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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2011-988*

13 **THOMAS N. THERRELL**
14 **18655 Caminito Cantilena, Apt. 102**
15 **San Diego, CA 92128**
16 **Registered Nurse License No. 672900**

A C C U S A T I O N

Respondent.

17 Complainant alleges:

PARTIES

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about February 2, 2006, the Board of Registered Nursing issued Registered
22 Nurse License Number 672900 to Thomas N. Therrell ("Respondent"). The Registered Nurse
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on January 31, 2012, unless renewed.

JURISDICTION

25 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code ("Code") unless otherwise indicated.
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4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

“(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

...

(e) Making or giving any false statement or information in connection with the application for issuance of a certificate or license...”

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Disciplinary Action by the Arizona Board of Nursing)**

5 9. Respondent is subject to disciplinary action under Code section 2761, subdivision
6 (a)(4), on the grounds of unprofessional conduct in that Respondent's application for a
7 professional nurse license was denied by the Arizona State Board of Nursing ("Arizona Board").

8 10. On or about October 27, 2006, pursuant to the Order of Denial No. 0506010, in the
9 disciplinary action entitled *In the Matter of Application for License by: Thomas N. Therrell to*
10 *Practice Professional Nursing in the State of Arizona*, the Arizona Board denied Respondent's
11 application for licensure. The basis for the denial, in part, is as follows:

- 12 a. On or about July 15, 1975, in case numbers I-1363-74 and I-1367-74, Respondent was
13 convicted of breaking, entering, and larceny, in the Burlington County Criminal Court
14 in Mount Holly, New Jersey.
- 15 b. On or about March 7, 2005, in case number W 2005 000191, Respondent was
16 convicted of making communications in an annoying/alarming matter, a misdemeanor,
17 in the Pemberton Township Municipal Court in Pemberton Township, New Jersey.
- 18 c. On or about March 21, 2006, in an application for a registered nurse position with
19 Access Nurses in San Diego, California, Respondent failed to disclose his 1975 and
20 2005 criminal convictions.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(False Statement on License Application)**

23 11. Respondent is subject to disciplinary action under section 2761, subdivision (e) for
24 making a false statement in connection with the issuance of his registered nurse license. The
25 circumstances are as follows:

- 26 a. On or about November 21, 2005, Respondent submitted his license application to the
27 Board for his registered nurse license.
- 28 b. The renewal application asked Respondent to answer the following question, "Have

1 you ever been convicted of any offense other than minor traffic violations? If yes,
2 explain fully as described in the applicant instructions. Convictions must be reported
3 even if they have been expunged under Penal Code Section 1203.4 or if a diversion
4 program has been completed under the Penal Code or Article 5 of the Vehicle Code.
5 Traffic violations involving driving under the influence, injury to persons or providing
6 false information must be reported. The definition of conviction includes convictions
7 of following a plea of nolo contendere (no contest), as well as pleas or verdicts of
8 guilty. YOU MUST INCLUDE MISDEMEANOR AS WELL AS FELONY
9 CONVICTIONS."

10 c. To this question, Respondent answered, "No."

11 d. At the time of submitting his application, Respondent had suffered two separate
12 criminal convictions. The convictions are more thoroughly described in paragraph 10,
13 subparagraphs (a) and (b), inclusive, above, and herein incorporated by reference,

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct)**

16 12. Respondent is subject to disciplinary action under Code section 2761, subdivision
17 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more
18 particularly described in paragraph 10, subparagraphs (a) through (c), and paragraph 11,
19 subparagraphs (a) through (d), inclusive, above, and herein incorporated by reference.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 672900, issued to Thomas N. Therrell;

2. Ordering Thomas N. Therrell to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: June 20, 2011

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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